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## REMARKS

Claims 1-22 were examined. Claims 1 and 5 are amended. Claims 1-22 remain in the application.

Claims 1-4 and 7-8 are rejected under 35 U.S.C. §102(e) and/or §103(a). Claims 5 and 6 are objected to as dependent on a rejected base claim. Claims 9-22 are allowed. Applicant respectfully requests reconsideration of the rejected and objected to claims in view of the above amendments and the following remarks.

### A. 35 U.S.C. §102(e): Rejection of Claims 1 & 4

The Patent Office rejects claims 1 and 4 under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,260,621 issued to Furman et al. (Furman). According to the Patent Office, Furman teaches adding an effective amount of a recovery composition comprising a fatty acid alkyl ester (col. 5, line 35), a surfactant (col. 6, line 30), and an acid (col. 6, line 57) to an oil reservoir; and removing oil. Applicant notes that the acid described by Furman is an amino acid, "such as choline and choline hydroxide" that provides nontoxic alternatives to monoethanolamine and acts as metal chelators. See col. 7, lines 6-8. Amino acids are characterized as amphoteric meaning they have the capacity of behaving either as an acid or base. See "The Condensed Chemical Dictionary," Eight Edition, 1971, at 57 (attached as Appendix A herewith).

Independent claim 1 describes a recovery composition including a non-amphoteric acid. The application describes such acid at page 14, paragraph 55:

Suitable acids for the recovery composition may comprise weak acids that do not completely disassociate in water, strong acids that essentially completely dissociate in water, or both a weak acid and a strong acid. Weak acids that are contemplated include an organic acid, carboxylic acid, acetic acid, vinegar comprising about 5% acetic acid in water, formic acid, citric acid, lemon juice, butyric acid, benzoic acid, carbonic acid. Preferably the acid comprises acetic acid in the form of vinegar. Strong acids that are

contemplated include an inorganic acid, a mineral acid, sulfuric acid, hydrochloric acid, nitric acid, perchloric acid, and others.

For the above stated reasons, claim 1 is not anticipated by Furman. Applicant respectfully requests the Patent Office withdraw the rejection of claim 1 under 35 U.S.C. §102(e). Claims 2-4 depend from claim 1 and therefore contain all the limitations of that claim. For at least the reasons stated with respect to claim 1, claims 2-4 are not anticipated or rendered obvious (35 U.S.C. §103(a)).

B. 35 U.S.C. §103(a): Rejection of Claims 1, 7 & 8

The Patent Office rejects claims 1, 7 and 8 under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 3,439,743 issued to Wyllie (Wyllie) in view of Furman. According to the Patent Office, Wyllie teaches a process including adding a hydrocarbon solvent to an oil reservoir. According to the Patent Office, it would have been obvious to modify the Wyllie process to use the recovery composition of Furman.

Independent claim 1 is prima facie not obvious over the cited references because the cited references do not describe adding a recovery composition including a fatty acid alkyl ester, at least one of a surfactant and a colloid, and a non-amphoteric acid to an oil reservoir and removing oil from the oil reservoir. As noted above, Furman does not describe a recovery composition as claimed. Wyllie as submitted by the Patent Office does not describe such composition. Further, there is no motivation from the cited references for such a composition.

For the above stated reasons, claim is not obvious over the cited references. Claims 7 and 8 depend from claim 1 and therefore contain all the limitations of that claim. For at least the reasons stated with respect to claim 1, claims 7 and 8 are not obvious over the cited references. Applicant respectfully requests that the Patent Office withdraw the rejection to claims 1, 7 and 8 under 35 U.S.C. §103(a).

C. Objection to Claims 5 & 6

The Patent Office objects to claims 5 and 6 as being dependent upon a rejected base claim. Applicant amends claim 5 to include all the limitations of originally filed claim 1. Applicant respectfully requests the Patent Office withdraw the objection to claims 5 and 6.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Dated: 12/9/03

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Nedy Calderon 12/9/03  
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*The*  
***Condensed Chemical  
Dictionary***

EIGHTH EDITION

*Revised by*

**GESSNER G. HAWLEY**

*Formerly Executive Editor, Reinhold Publishing Corporation  
Coeditor, Encyclopedia of Chemistry*



**VAN NOSTRAND REINHOLD COMPANY**

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APPENDIX A

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arbonate. See uranyl ammonium

oxide. See uranium ammonium

See ammonium metavanadate.

See ammonium tungstate.

See zirconium ammonium

onate

$2\text{H}_2\text{O}$ .

in aqueous solution; sp. gr. up to about  $60^\circ\text{C}$ ; decomposes. Toxicity unknown.

Water repellents for paper and dilizer in latex emulsion paints; used to aid in resistance to deburication of glass fibers.

chloride. See mercury, ammo-

mark for a series of quaternary derivatives, in which the ethyl, benzyl, stearyl, lauryl, etc. Some items are similar to quaternary salts. These are all quaternary salts, and some are alkylamine oxides, and

agents; emulsifiers; some fungicides, disinfectants, and

mark for high analysis ammonium fertilizers.

mark for high analysis ammonium with muriate- or sulfate of

copper-nickel alloy.

ethylbarbituric acid)

fine powder; odorless with  $1.1^\circ\text{C}$ ; solutions are acid to blue in water; soluble in

may be habit-forming. (am salt).

$\text{I}_2\text{N}(\text{C}_2\text{H}_5)_2 \cdot 2\text{HCl} \cdot 2\text{H}_2\text{O}$ . Solid, bitter, crystalline solid. Soluble in water; sparingly soluble in benzene, 1% solution) 4.0-4.8.

Having no molecular lattice characteristic of the solid state. Some materials that are amorphous, or semisolid, such as, and sulfur allotropes, structure and a well-defined structure are considered as high-viscosity amorphous. Amorphous is broadly used to mean a technical definition is not should not be used in reference to fine particles they may be made to modification.

amosite. A variety of asbestos (q.v.). Noncombustible. Hazard: Particles are dangerous when inhaled. Uses: Thermal insulation; filters.

AMP.

(1) Abbreviation for 2-amino-2-methyl-1-propanol.  
(2) Abbreviation for adenosine monophosphate. See adenylic acid.

ASMP. Abbreviation for adenosine-5-monophosphoric acid. See adenylic acid (muscle adenylic acid).

"Ampco."<sup>1407</sup> Trademark for a series of aluminum-iron-copper alloys containing 6-15% aluminum, 1.5-5.25% iron, balance copper. Resistant to fatigue, corrosion, erosion, wear and cavitation-pitting. Used for bushings, bearings, gears, slides, etc.

"Ampco-Bráz."<sup>1407</sup> Trademark for a series of copper-zinc alloy filler rod for brazing and braze-welding.

"Ampcoflex."<sup>141</sup> Trademark for normal-impact rigid sheet and also pipe and fittings of Type I unplasticized polyvinyl chloride used to fabricate structures where optimum corrosion resistance is desired.

"Ampcoloy."<sup>1407</sup> Trademark for a series of industrial copper alloys including low iron-aluminum bronzes, nickel-aluminum bronzes, tin bronzes, manganese bronzes, leaded bronzes, beryllium-coppers and high-conductivity alloys.

"Ampco-Trode."<sup>1407</sup> Trademark for a series of aluminum-bronze, arc-welding electrodes and filler rod, containing 9.0-15.0% aluminum, 1.0-5.0% iron, balance copper, for joining like or dissimilar metals and overlaying surfaces resistant to wear, corrosion, erosion and cavitation-pitting.

AMPD. Abbreviation for 2-amino-2-methyl-1,3-propanediol.

amphetamine (1-phenyl-2-aminopropane; methylphenethylamine; "Benzedrine").  
 $\text{C}_6\text{H}_5\text{CH}_2\text{CH}(\text{NH}_2)\text{CH}_3$ .

Properties: Colorless, volatile liquid; characteristic strong odor and slightly burning taste; b.p.  $200-203^\circ\text{C}$  (dec); flash point  $80^\circ\text{F}$ ; soluble in alcohol and ether; slightly soluble in water.

Grades: Dextro-, dextrolevo-.

Containers: Glass bottles.

Hazard: Highly toxic. Flammable, dangerous fire risk. Basis of a group of hallucinogenic, habit-forming drugs which affect the CNS. Sale and use restricted to physicians.

Use: Medicine. Also available as phosphate and sulfate.

Shipping regulations: (ICC, CG, IATA) Red label.

amphibole. A type of asbestos. See asbestos.

ampholytic detergent. One that is cationic in acid media and anionic in basic media.

"Amphos."<sup>1433</sup> Trademark for phosphorized oxygen-free copper in cast or wrought form.

amphoteric. Having the capacity of behaving either as an acid or base; thus aluminum hydroxide neutralizes acids with the formation of aluminum salts;  $\text{Al}(\text{OH})_3 + 3\text{HCl} \rightarrow \text{AlCl}_3 + 3\text{H}_2\text{O}$ , and also dissolves in strongly basic solutions to form aluminates:  $\text{Al}(\text{OH})_3 + 3\text{NaOH} \rightarrow \text{Na}_3\text{AlO}_3 + 3\text{H}_2\text{O}$ . Amino acids and proteins are amphoteric, i.e., their molecules contain both an acid group ( $\text{COOH}$ ) and a basic group ( $\text{NH}_2$ ). Thus wool can absorb both acidic and basic dyes.

amphotericin B. A polyene antifungal antibiotic.

Properties: Pale yellow semicrystalline powder; m.p., gradual decomposition above  $170^\circ\text{C}$ . Insoluble in water; slightly soluble in methanol. Somewhat more soluble in dimethylsulfoxide.

Derivation: Fermentation with *Streptomyces nodosus*. Commercially available as a deoxycholate complex.

Grade: U.S.P.

Hazard: May have side effects.

Use: Medicine (meningitis treatment).

ampicillin (USAN) (6-(D-alpha-aminophenyl-acetamido)-penicillanic acid)  $\text{C}_{16}\text{H}_{19}\text{N}_3\text{O}_5\text{S}$ . An antibiotic; used in medicine. Grade: N.D.

"Amprol."<sup>1123</sup> Trademark for amprolium (q.v.).

amprolium. 1-[(4-Amino-2-propyl-5-pyrimidinyl)-methyl]-2-picolinium chloride, hydrochloride. A coccidiostat.

amprotropine phosphate (phosphate of the *d,l*-tropic acid ester of 3-diethylamino-2,2-dimethyl-1-propanol)  $\text{C}_{18}\text{H}_{29}\text{NO}_5 \cdot \text{H}_3\text{PO}_4$ .

Properties: Bitter crystals. M.p.  $142-144^\circ\text{C}$ . Soluble in water, slightly soluble in alcohol.

Use: Medicine (antispasmodic).

"Ampvar."<sup>141</sup> Trademark for synthetic-resin metal conditioner of the vinyl-phosphoric acid-zinc chromate type used to prepare metal surfaces for the application of corrosion-proof coatings.

"AMSCO."<sup>1106</sup> Trademark for a group of petrochemicals, chemicals, petroleum naphthas, and petroleum waxes.

"Amsil."<sup>1433</sup> Trademark for silver-bearing copper.

"Amsulf."<sup>1433</sup> Trademark for copper-sulfur alloys.

"Amtel."<sup>1433</sup> Trademark for copper-tellurium alloys in cast or wrought form.

"Amthio."<sup>150</sup> Trademark for an ammonium thiosulfate solution.

Properties: A reddish liquid fertilizer and soil conditioner; used before planting. Contains 12% nitrogen and 26% sulfur. Sp. gr. 1.33; weighs approx 11.1 lb/gal. Can be mixed and applied with many liquid fertilizer solutions, or alone in irrigation water.

Precautions: Avoid contact with skin or eyes.

"Amtite."<sup>1433</sup> Trademark for copper-titanium alloys.

amygdalic acid. See mandelic acid.

amygdalin (mandelonitrile beta-gentiobioside; amygdalose)  $\text{C}_6\text{H}_5\text{CH}(\text{CN})\text{OC}_{12}\text{H}_{21}\text{O}_{10}$ . A glycoside found in bitter almonds.

Properties: White crystals; bitter taste. Anhydrous form m.p.  $214-216^\circ$ ; soluble in water and alcohol; insoluble in ether.

Note: "Bitter almonds contain amygdalin, together with an enzyme that catalyzes its hydrolysis. When the kernels are ground and moistened, a volatile oil produced by the hydrolysis can be distilled from them, consisting mainly of benzaldehyde and hydrocyanic acid. This is the oil of bitter almond, used in pharmacy and as a food flavor after removal of the hydrocyanic acid." (Eckey, "Vegetable Fats and Oils.") See also oil of bitter almond.

amyl. The five-carbon aliphatic radical  $\text{C}_5\text{H}_{11}$ , also known as pentyl. Eight isomeric arrangements (exclusive of optical isomers) are possible. In addition to this theoretical source of confusion, the amyl com-

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